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GLOSSARY

of
Public Land Terms
for
Beginning Lands Trainees

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abandoned military reservation: a military reservation which may be transferred to the Secretary for disposal.

accepted survey: a survey for which the plat has been accepted for the Director by the officer having Cadastral Survey approval authority.

accretion: the gradual and imperceptible accumulation of land, by natural causes, along the banks of a stream or lake.

acquired land: lands in Federal ownership which were obtained by the Government through purchase, condemnation or gift, or by exchange purchase, condemned, or donated lands, or for timber on such lands.

additional homestead entry: an addition to lands already acquired under the homestead laws; the total area of the original and the additional entry cannot exceed the maximum area allowed under the relevant class of homestead.

adjoining farm homestead entry: an entry on lands adjacent to those already owned by the entryman, such owned lands having been bought or acquired by a manner other than homestead entry.

adjudicate: the legal processing of applications, entries, claims, etc., to assure full compliance with the public land laws and the regulations. To judicially determine, judge, or decree. To sit in judgment.

adjusted railroad grant: a railroad grant that was completely and totally adjudicated and satisfied prior to the Transportation Act of 1940.

administrative site: the withdrawal of public lands for use as an administrative facility by a Federal agency.

advertising displays: any signs or other devices erected or maintained for outdoor advertising or for outdoor public information purposes, except signs erected and maintained by Federal, State, or local highway authorities within highway rights-of-way.

Advisory Council on Historic Preservation: a council established by the National Historic Preservation Act of 1966 consisting of the Secretaries of the Interior, Housing and Urban Development, Commerce, and the Treasury, the Administrator of the General Services Administration (GSA), and the Attorney General, or their designated representatives, the Chairman of the National Trust for Historic Preservation, and 10 members appointed by the President, either for their concern or their involvement in relevant State and local governments.

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The Council is authorized under the National Historic Preservation Act and Executive Order (E.O.) 11593 to advise Congress and the President on historic preservation matters, provide guidelines for assisting States in drafting legislation, recommend studies of statutes regarding historic preservation, encourage and direct private participation and training in historic preservation, and comment on any Federal agency actions that may have an effect on National Register or National Register eligible cultural resources. (See also 36 CFR 800.1.)

agricultural college scrip: scrip issued to certain States so the States could sell same and apply the proceeds to the support of agricultural and mechanical colleges.

agricultural land: land primarily used for or suitable for croplands, orchards, groves, vineyards, and horticulture (plant nurseries, etc.).

air navigation site: a reservation of public lands for aviation purposes pursuant to the Act of May 24, 1928 (45 Stat. 728).

airport lease: a lease authorizing the lease of public lands for aviation purposes.

allotment: an allocation to a Native of land of which he had made substantially continuous use and occupancy for a period of 5 years and which shall be deemed the "homestead" of the allottee and his heirs in perpetuity, and shall be inalienable and nontaxable except as otherwise provided by the Congress.

allowed application: an application to acquire title to public lands, which has been accepted and approved.

ANCSA: Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601), and any amendments.

animal-unit: one cow, one horse, one burro, or five sheep or goats all over 6 months of age.

animal-unit-month: the amount of forage necessary for the sustenance of one animal-unit for a 1-month period.

antiquities; those prehistoric and historic artifacts, objects, structures, ruins, sites, and monuments of cultural or scientific significance generally considered to be more than 100 years old. Those paleontological specimens and sites containing data of scientific importance.

applicant: the individual or legal entity applying for use of, rights in, or title to public lands or resources.

application: an acceptable formal request for rights in, or eventual title to, public lands or resources.

appraised value and appraised price: synonymous with fair market value. The amount of money specified as the minimum acceptable bid in the public notice ordering lands into the market. The determination of appraised value or appraised price is made by experienced, adequately trained, full-time appraisers within the BLM staffs or by contract using standard appraisal practices.

approved clear list: a selection list which has been approved by the Secretary or the Director. It may serve to pass title.

approved survey: the approved field notes and plat of a cadastral survey.

archaeological resources: all physical evidence of past human occupation, other than historical documents, which can be used to reconstruct life styles of past peoples. These include sites, artifacts, environmental data, and all other relevant information.

artifact: any object made, modified, or used by man.

assessment work: work required to be performed annually by the claimant, in order for him to maintain a possessory right (as against the United States in Alaska and as against third parties in the continental United States) to a mining claim for which a patent has not issued.

assignee: a recipient or grantee. One to whom a thing is given, usually by a writing.

assignment: a transfer or a making over to another of a whole or a part of property, either real or personal, or the giving to another of a right.

assignor: a person who assigns a right.

avulsion: a rapid and usually permanent change in a stream channel. Such movements do not create changes in property boundaries except where State interests in lands arising from the Submerged Lands Act (A State's title to lands beneath navigable waters) are concerned.

- B -

base lands: in an exchange, the lands owned by the proponent; in a lieu selection, the lands to which the applicant relinquishes or has relinquished his rights.

base line: in cadastral survey, a line which runs in an east-west direction from an initial point.

bid: a written or oral offer to purchase.

cadastral survey: a survey which creates, makes, defines, retraces, or reestablishes boundaries and subdivisions of the public land of the United States.

cadastral surveyor: one who executes cadastral surveys.

cardinal directions: true north, south, east, or west.

Carey Act: a series of acts popularly known as the "Carey Act" which enables the Government to grant lands to eligible States which may in turn make grants to entrymen who irrigate and reclaim said lands. (See 43 U.S.C. 641.)

cash entry: lands for which the entryman paid cash or its equivalent.

ceded Indian lands: Indian lands which were relinquished to the United States by the Indians.

cemetery-site entry: a cash entry for lands to be used for cemetery purposes.

certificate of ownership: a certificate from the proper State or county officials showing that title to lands is vested in the State or county and that the officer or agency is empowered by law to lease them.

circular: a Bureau publication that contains regulations and instructions.

claimant: an individual or other entity asserting title to or rights in public lands.

classification: the authority of the Secretary to examine land to see whether it is proper for entry, selection, or location.

classification of lands: the process of determining whether the lands are more valuable or suitable for transfer or use under particular or various public land laws than for retention in Federal ownership for management purposes.

closure to livestock: the removal of all livestock from an area of the public lands for a given period of time.

color-of-title: a claim based on an erroneous but good faith claim of title.

communication site: an area of public land granted to an applicant under authority contained in the Act of March 4, 1911 (36 Stat. 1253; 43 U.S.C. 961), and the regulations, to be used for a communication structure or facility.

community: a village, town, or city, or similar subdivision of a State, whether or not incorporated.

commuted homestead entry: a homestead where the entryman is allowed to pay cash rather than meet all the residence and other requirements.

competitive lease, oil or gas: an oil or gas mineral lease, covering public lands within a known producing oil or gas field, which is issued to the successful bidder at public auction or through sealed bids.

compliance check: process by which it is determined that the permittee, grantee, patentee, or other holder of a use authorization, grant, or patent, is or has complied with the terms and conditions of the conveyance or granting document.

confirmation of a suspended entry: the issuance of a patent for a suspended entry where the entryman failed to comply with all requirements under the regulations, but where compliance was substantial enough to warrant the application of principles of equity in order to find the entryman qualified.

contest: proceedings against a filing, claim, or entry alleging that same does not meet the requirements of the public land laws. It may be initiated by the Government or by an adverse claimant.

contiguous lands and contiguous legal subdivisions: lands or legal subdivisions having a common boundary.

Coos Bay lands: public lands in western Oregon which were initially granted to that State to aid in the construction of the Coos Bay Military Wagon Road, but which were forfeited and returned to the Federal Government.

copying fees: fees charged for copying official records.

cornering: lands having a common survey corner but not a common boundary.

cost recovery: process for recovery of direct and indirect administrative costs to the United States for a right-of-way or permit incident to a right-of-way. This includes those expenses incurred in processing and monitoring such applications and permits.

credit entry: a cash entry which permitted installment payments. (Now repealed.)

crop: includes any agricultural product to which the land under consideration is generally adapted and which would return a fair reward for the expense of producing it.

cultivation: requires the operation, practice, or act of tillage or preparation of land for seed, and keeping the ground in a state favorable for the growth of crops.

cultural resource management: programs designed to protect, preserve, and/or scientifically study cultural resources and the natural resources that figured significantly in cultural systems. The objectives of such programs should be the conservation and protection of cultural values through management and the scientific study of these resources for the public good.

cultural resources: those fragile and nonrenewable remains of human activities, occupations, and endeavors as reflected in sites, buildings, structures, or objects, including works of art, architecture, and engineering. Cultural resources are commonly discussed in terms of prehistoric and historic values; however, each period represents a part of the full continuum of cultural values from the earliest to the most recent.

curative patent: an amended patent to correct a previously issued, defective patent.

- D -

damages: a pecuniary compensation or indemnity which may be recovered in the courts for loss or injury.

decision: a document signed by the adjudicator or appropriate official, setting forth conclusions of law and findings of fact relevant to an application, entry, or claim.

dependent resurvey: a retracement and reestablishment of the lines of the original survey in their true original locations according to the best available evidence of the position of the original corners.

desert land entry: an entry of irrigable, arid, agricultural, public lands under the Act of March 3, 1877 (19 Stat. 377; 43 U.S.C. 321, et seq.), which entryman must reclaim, irrigate, and cultivate.

designation: the official identification and naming of a general area or site on public land. No lands may be designated until they are either (1) classified for retention for multiple use management, (2) withdrawn, or (3) given special status by Act of Congress.

Director: The head of the Bureau of Land Management. He exercises the functions which were formerly assigned to both the Commissioner of the General Land Office and the Director of the Grazing Service.

discovery, mineral: the act of exposing to view a valuable mineral on a mining claim; also, the physical exposure of the mineral vein or lode or other mineral deposit on the ground.

District: the specific area of public lands administered by a District Manager.

District Office: a local Bureau office under the jurisdiction and direction of the State Office.

drift: the natural movement of livestock from one range area to another.

- E -

enlarged homestead entry: a homestead entry (not exceeding 320 acres) under the Act of June 17, 1910 (36 Stat. 531; 43 U.S.C. 218), which provided for homesteading nonirrigable agricultural lands in the West (dryland farming).

entry: an allowed application which permits the entryman to enter upon and commence the actions required to gain title to the land.

entryman: the individual or legal entity which made an entry.

equitable adjudication: the consideration given substantial compliance in the following classes of entries: a) necessary citizenship status not acquired; b) sufficient proof not submitted; c) or full compliance with law not affected within the period authorized; d) or where the final proof of testimony or affidavits of the entryman or claimant were executed before an officer duly authorized to administer oaths but outside the county or land district in which the land is situated; e) and special cases deemed proper by the Director, Bureau of Land Management; provided however, that all errors and informalities are satisfactorily explained as being the result of ignorance, mistake, or some obstacle over which the party had no control, or any other sufficient reason not indicating bad faith.

equitable title: the right of beneficial use even though the legal title may repose in another. The record ownership may be in the legal owner who has no right or benefit whatever.

estoppel: in law, the prevention of a person from making an affirmation or denial because it is contrary to an affirmation or denial that he has made previously.

evidence of title: a policy of title insurance; or a certificate of title issued by a title insurance company authorized by law to issue same; or an abstract of title prepared and authenticated by a licensed abstractor or abstract company or by the recorder of deeds or other proper officer of the State under his official seal.

examination: always involves an on-the-ground inspection.

exchange: a trading of public lands (surface and/or subsurface estates) that usually do not have high public value, for lands in other ownerships which do have value for public use, management and enjoyment. The exchange may be for the benefit of other Federal agencies as well as BLM.

- F -

fair market value: the amount in cash, or on terms reasonably equivalent to cash, for which in all probability the property would be sold by a knowledgeable owner willing but not obligated to sell to a knowledgeable purchaser who desires but is not obligated to buy.

farm unit: a parcel of land within a reclamation project which is estimated to be of suitable size for a family farm.

Federal Power Project Reservation: A reservation of public lands for use in a project developed under the jurisdiction of the Federal Power Commission.

fees and commissions: payments required by law in connection with an application or entry.

field examination: an examination conducted by Bureau (or Bureau directed) personnel, made on the ground.

field notes: the official written record of the survey, certified by the field surveyor, and approved by the proper authority, providing courses and distances of lines surveyed and descriptions of corner monuments.

filing: an application which has been submitted to the proper official or office. Or, an application pursuant to the Mineral Leasing Act.

final certificate: a document which evidences that patent should issue. It alone is sufficient to vest title in the would-be patentee.

final proof: a statement by the entryman and his witnesses, purporting to prove that the entryman has done all things necessary to perfect his entry.

final regulation: any regulation adopted by the Secretary and published in the Federal Register for inclusion in the Code of Federal Regulations.

fish and wildlife: generally, all species of nondomesticated animal life.

flood plain: land not normally covered by water but which lies in an area subject to inundation.

free use permit: a permit which allows the removal of timber or other resources from the public lands free of charge.

- G -

General Land Office: one of the predecessors of the Bureau of Land Management. It was charged with land disposal, recordkeeping, and cadastral survey.

general orders of withdrawals: Executive Orders No. 6910 of November 26, 1934, and No. 6964 of February 5, 1935, which withdrew for classification all vacant public lands in the 11 Western States plus certain other public land States.

Government contest: a proceeding initiated by the Government to declare a claim void.

grant: a gift of public lands either in quantity or in place. Also, the document or the action which conveys land or an interest in land.

grantee: one to whom a grant is made. The recipient of the right-of-way, patent, deed, or other benefit.

grantor: the person who makes the grant.

grazing allotment: a specific area of public lands within which grazing use is authorized.

grazing district: a specific area of public land administered for grazing purposes under Section 3 of the Taylor Grazing Act. Public lands outside grazing district boundaries are administered under Section 15 of that act or other applicable authority.

grazing fee: the rate per animal-unit-month charged for livestock grazing upon or crossing the public lands.

- H -

headquarters entry: a cash entry of 5 acres or less of public lands in Alaska, which are used as a headquarters for a reproductive industry.

hearing, contest: a hearing for the taking of evidence from the parties to the contest and their witnesses.

highway: used in its general sense to include all routes of public surface travel.

homesite entry: a cash entry, in Alaska, of 5 acres or less for a residence.

homestead entry: an entry initiated under any of the homestead laws, that lead to patent for entrymen who settle upon and improve agricultural lands.

- I -

improvements: includes any structures of a permanent nature placed upon land, which tend to increase its value.

indemnity limits: lands lying within a specified distance of the primary limits of a railroad grant or a wagon road grant, within which the grantee may make lieu selections to replace lands lost to the grantee in the primary limits.

indemnity selection: a selection made to compensate for lands that were lost. (Synonymous with lieu selection.)

independent resurvey: an establishment of new section lines for the public land which are independent and without reference to the corners of the original survey, while, at the same time, preserve the boundaries of alienated lands.

Indian allotment: an allocation of public lands or Indian reservation lands to an Indian for his individual use.

Indian fee patent: a patent which conveys fee title to qualified Indians to lands entered under an Indian allotment.

Indian reservation: a reservation for the use of native Indians.

Indian trust fund: an account in the Federal Treasury to which money belonging to Indian tribes is credited.

Indian trust patent: a patent issued to an Indian to lands that cannot be alienated or sold for a period of years and where legal title remains in the United States.

industrial: the manufacture, processing, and testing of goods and materials, including the production of power. It does not refer to the growing of agricultural crops, or the raising of livestock, or the extraction or severance of raw materials from the land being classified, but it does include activities incidental thereto.

internal improvement grant: a grant made to aid in the construction of roads, canals, railroads, or for other public improvements.

investigation: an analysis that usually does not include an on-the-ground inspection.

irrigation: requires the application of water to land for the purpose of growing crops.

isolated or disconnected tract: a tract of one or more contiguous legal subdivisions completely surrounded by lands held in non-Federal ownership or so effectively separated from other federally owned lands by some permanent withdrawal or reservations as to make its use with such lands impracticable. A tract is considered isolated if the contiguous lands are all patented, even though there are other public lands cornering upon the tract. For sale purposes under R.S. 2455, an isolated tract is a parcel of vacant public lands (not exceeding 1,520 acres) which is surrounded by appropriated public lands and/or private lands.

- K -

K.G.R.A.: an area in which the geology, nearby discoveries, competitive interests, or other indicators would, in the opinion of the Secretary, engender a belief in men who are experienced in the subject matter that the prospects for extraction of geothermal steam or associated geothermal resources are good enough to warrant expenditures of money for that purpose.

K.G.S.: a geological trap in which an accumulation of a valuable mineral product has been discovered by drilling and determined to be productive, the limits of which include all acreage that is presumptively productive.

- L -

laches: delay attended by or inducing change of condition or relation; a failure to do something which should be done or to claim or enforce a right at a proper time.

land description (legal description): this is the method of locating or describing land in relation to the public land survey.

leasable minerals: oil and gas, oil shale, coal, potash, phosphate, sodium, sulphur in Louisiana and New Mexico, silica deposits in certain parts of Nevada, and certain minerals under special acts, i.e., the Acquired Lands Act.

leave of absence: the authorized absence of an entryman or settler from the public lands upon which he has established his residence under the public land laws.

legal title: one enforceable in a court of law, which is apparently complete and perfect and is generally associated with record ownership.

lieu selection or indemnity selection: a selection made to compensate for lands that were lost.

livestock: cattle, sheep, horses, burros, and goats.

location: a claim to public lands established by the surrender of scrip or by the initiation of a mining claim or a settlement claim.

lode claim: a mining claim embracing public lands which contain minerals occurring in a vein or lode.

lot: a subdivision of an irregular portion of a section which cannot be described by aliquot parts.

master title plat: the modern land recordkeeping system which shows land status by diagrams.

material site: the public lands from which sand and gravel may be taken (with the proper permit and authorization) for construction or maintenance of State or Federal-aid highways.

meander or meander lines: the traverse of the margin of a permanent natural body of water executed for the purpose of determining the quantity of land remaining after the segregation of the water area.

military bounty land warrant: scrip which was issued as a reward for military service.

military reservation: a withdrawal for the use of the Department of Defense for military purposes.

millsite entry: a cash entry of nonmineral public lands which are to be used as a millsite for the reduction of ore or in the development of a lode claim.

mineral: a substance that is recognized as mineral, according to its chemical composition, by the standard authorities on the subject or is classified as a mineral product in trade or commerce, or possesses economic value for use in trade, manufacture, the sciences, or in the mechanical or ornamental arts.

mineral application: an application to purchase public lands which are held as a mining claim or which are desired as a millsite.

mineral classification: the classification of lands as being valuable for a specific mineral or minerals; also the public lands so classified.

mineral in character: lands where the mineral is ordinarily in sufficient quantity to add to their richness and to justify expenditures for its extraction.

mineral lands: public lands which have been designated as containing valuable minerals; or are known to contain valuable minerals.

mineral lease: a lease which authorizes the development and production of leasable minerals from public lands.

Mineral Leasing Act: Act of February 25, 1920 (41 Stat. 437; 30 U.S.C. 181 et seq.)

mineral monument: a monument which is established in connection with a mineral survey.

mineral permit: a permit which authorizes prospecting for certain leasable minerals on public lands.

mineral reservation: a clause in the conveyance document which reserves minerals to the grantor.

mineral rights: the rights of one who owns the mineral estate (subsurface).

mineral survey: a survey of a mining claim. Performed either by cadastral survey or by an approved private surveyor.

mineral withdrawal for classification: a withdrawal of public lands which are potentially valuable for leasable minerals. This precludes the disposal of the lands except with a mineral reservation, or unless the lands are found to be not valuable for minerals.

minimum statutory price: the minimum price established by law, for which the lands may be sold.

mining claim: a possessory interest in land obtained by physically locating certain lands on the ground under the authority of the 1872 Mining Law, on which a discovery of valuable locatable minerals has been made. A mining claim can be located on any vacant unappropriated public lands.

mining location: a mining claim.

multiple use: the management of the various surface and subsurface resources so that they are utilized in the combination that will best meet the present and future needs of the American people; the most judicious use of the land or some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; the use of some land for less than all of the resources; and harmonious and coordinated management of the various resources, each with the other, without impairment of the productivity of the land, with consideration being given to the relative values of the various resources, and not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output.

multiple use components: Section 1 of the Classification and Multiple Use Act lists ten objectives of public land management. The methods of management of the public lands will be governed by the provision of existing laws. The listed objectives as interpreted by the Secretary are as follows:

(a) Domestic livestock grazing. Management of public lands for domestic livestock grazing involves the protection, regulated use, and development of forage producing public lands and the management of livestock (cattle, sheep, horses, and goats) use to obtain a sustained yield of forage.

(b) Fish and wildlife development and utilization. Management of public lands for fish and wildlife development and utilization involves the protection, regulated use, and development of habitat on public lands and waters to obtain a sustained yield access to fish and wildlife resources.

(c) Industrial development. Management of public lands for industrial development involves the protection, regulated use, and development of public lands in a manner to facilitate the growth and stability of industry, whether offsite or onsite, long term or short term.

(d) Mineral production. Management of public lands for mineral production involves the protection, regulated use, and development of public lands in a manner to facilitate the extraction and processing of minerals, whether offsite or onsite, long term or short term.

(e) Occupancy. Management of public lands for occupancy involves the protection, regulated use, and development of lands as sites for economically and socially useful structures, either publicly or privately owned.

(f) Outdoor recreation. Management of public lands for outdoor recreation involves the protection, regulated use, and development of public lands having open space values in a manner that will preserve those values and will make them available for appropriate recreation enjoyment by the public.

(g) Timber production. Management of public lands for timber production in development of public forest and woodland areas to obtain a sustained yield of forest products.

(h) Watershed protection. Management of public lands for watershed protection involves the protection, regulated use, and development of any public lands in a manner to control runoff; to minimize soil erosion, siltation, and other destructive consequences of uncontrolled waterflows; and to maintain and improve storage, yield quality, and quantity of surface and subsurface waters.

(i) Wilderness preservation. Management of public lands for wilderness preservation involves the protection and regulated use of public lands which are in a roadless and primitive condition in a manner to preserve their essential wilderness character.

(j) Preservation of public values. Management of public land for preservation of public values that would be lost if the land passed from Federal ownership involves the protection, regulated use, and development of any public lands having unique or scarce characteristics or site values in a manner to insure their continued availability to the general public, either national or local, temporarily or permanently. It also involves the prevention of avoidable losses and damage, including avoidance of use and development which may require future expenditures for flood protection and flood damage relief.

multiple use management: consists of managing to meet one or more of the following objectives: (a) domestic livestock grazing, (b) fish and wildlife development and utilization, (c) industrial development, (d) mineral production, (e) occupancy, (f) outdoor recreation, (g) timber production, (h) watershed protection, (i) wilderness preservation, and (j) preservation of public values.

- N -

National Environmental Policy Act of 1969 (NEPA): (Public Law 91-190, 83 Stat. 852.)

national forest homestead entry: a homestead entry initiated under the Act of June 11, 1906 (34 Stat. 233; 16 U.S.C. 506), which provided for homesteading within national forests of public lands classified as more valuable for agriculture than for forestry products.

national forest lieu selection: a lieu selection which is based on the relinquishment (prior to March 3, 1905) of the rights to or the ownership of lands lying within the exterior boundaries of a national forest.

national memorial: a reservation embracing memorials of national interest which is administered by the National Park Service.

national monument: a reservation of lands embracing values of historic and/or scientific interest which is administered by the National Park Service.

National Register of Historic Places (National Register): a Federal Government listing of ". . . districts, sites, buildings, structures, and other objects significant in American history, architecture, archeology, and culture." The National Register is maintained by the National Park Service, U.S. Department of the Interior, and is published in its entirety in the Federal Register each year in February. Addenda are published on the first Tuesday of each month. Federal agencies are required to consult the National Register to identify any NR properties that may be impacted by a proposed action or undertaking (36 CFR 800.4).

national resource lands (public domain lands): original public domain lands which have never left Federal ownership; also lands in Federal ownership which were obtained by the Government in exchange for national resource lands.

Native village: any tribe, band, clan, group, village, community, or association in Alaska, as defined in Section 3(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601) (ANCSA).

natural area: an area set aside in an undisturbed state to preserve natural and environmental values.

natural history resources: features of the environment which represent natural phenomena dealing with the development of the earth's surface or the evolution of life and which have scientific values or evoke human interest.

naval reserve: a reservation for naval purposes.

non-Bureau energy initiative (N.B.E.I.): a lands and realty action resulting from an application to acquire or use BLM-managed lands for purposes related to the development or the distribution of energy resources.

nonprofit associations or corporations: any institutions, organizations, or associations which have been established according to local law and are held by the Internal Revenue Service to be tax-exempt.

notice: the communication of a pending action; the notification of parties of actions about to be taken. This is a part of due process.

- O -

O. and C. Exchange: an exchange involving Oregon and California (O. and C.) lands.

occupancy: actual possession and use of land in something more than a slight or sporadic manner.

offered lands: the lands owned by the proponent and being offered in exchange.

off-road vehicle (ORV): any motorized vehicle designed for or capable of cross-country travel on or immediately over land, sand, snow, ice, marsh, swampland, or natural terrain, deriving motive power from any source other than muscle.

opening order: the order which opens the lands to the operation or partial operation of the public land laws. May be a part of the revocation order. It need not be a separate document.

original public domain: all the lands obtained by the Government by: cession from the Thirteen Original States (1789-1802); by the Louisiana Purchase (1803); by the cession from Spain (1819); by the occupation of the Oregon Territory (1846); by the Mexican Cession (1848); by the purchase from Texas (1850); by the Gadsden Purchase (1853); and by the purchase of Alaska (1867). The State of Tennessee although within the area covered by the Thirteen Original States is not properly considered a part of the original public domain.

outdoor recreation: includes but is not limited to, hunting, fishing, trapping, photography, horseback riding, picnicking, hiking, camping, swimming, boating, rock and mineral collecting, sightseeing, mountain climbing, and skiing.

- P -

patent: as it relates to public land laws, patent is the instrument (or deed) by which the Government conveys title to the public lands.

reservation: a clause in a patent or instrument of conveyance by which the grantor creates and reserves to himself, some right or interest in the estate granted, which had no previous existence, but is called into being by the patent. The reservation is always in favor of and for the benefit of the grantor, thus a right-of-way grant which exists at the time the patent is issued can never amount to a reservation unless the right-of-way is for the benefit of the United States. Otherwise, a valid existing right-of-way should be protected by issuing the patent, "subject to" the right-of-way.

person: generally refers to any person or legal entity capable of contracting such as a corporation.

Pierce Act: Act of June 23, 1938 (52 Stat. 1033; 43 U.S.C. 315m-1, 315m-4), authorizes the Secretary of the Interior to acquire leasehold interests in non-Federal lands if they are within grazing districts.

Pittman Act: Act of October 22, 1919; 41 Stat. 293; 43 U.S.C. 351. An act which provided for the acquisition of title to public domain in Nevada, through the discovery of underground water.

placer claim: a mining claim which contains minerals not occurring in a vein or lode.

plan of development: the general outline of how a definitely proposed and authorized project is to be implemented.

plan of management: a plan showing how lands are to be managed after development has progressed to the point where the project is in operation.

powersite classification: a classification which in reality is a segregation against the operation of the land laws made by the Federal Power Commission for lands having potential for or needed for power projects and associated transmission lines. Lands classified to benefit transmission lines are open to the operation of the public land laws subject to the use for transmission lines.

powersite reserve: a reservation of public lands which have potential value for water power development.

preference rights: the right of contiguous landowners to purchase lands placed for sale under R.S. 2455 by meeting the highest bid price or by paying three times the appraised value. In the case of a small tract, the earliest applicant has a preference right of sale or lease under certain conditions. The right of an individual applicant or class of applicants to assert rights or claims to the public lands which rights are not available to the general public.

private exchange: an exchange between the Federal Government and any landowner other than a State.

private land claim: a claim based on the assertion that the claimant (or his predecessors in interest) derived his right while the land was under the dominion of a foreign government.

producing lease (oil or gas): a lease to public lands which are within a known producing structure or upon which a discovery has been made.

proposed regulation: any formal proposal (either proposed rulemaking or final regulation) made to the Secretary by BLM for addition to or amendment of Federal regulations affecting BLM programs.

proposed rulemaking any proposed regulation published in the Federal Register for public review and comment.

prospecting lease (oil or gas): a lease authorizing the exploration, development, and production of oil or gas from public lands which are not known to contain such deposits.

protest: a statement of objection to a proposed classification, an application, claim, etc.

protestants: those who raise objections but do not have sufficient standing to initiate a contest. Such an objection will be deemed a protest.

public domain and public land: vacant, unappropriated, and unreserved public lands, or public lands withdrawn by E.O. 6910 of November 26, 1934, as amended, or E.O. 6964 of February 5, 1935, as amended, and not otherwise withdrawn or reserved, or public lands within grazing districts established under Section 1 of the Act of June 28, 1934 (48 Stat. 1269), as amended, and not otherwise withdrawn or reserved.

public land laws: the body of laws which regulates the administration of the public lands and the resources thereon.

public land order (PLO): an order effecting, modifying, or revoking a withdrawal or reservation which has been issued by the Secretary pursuant to his delegations of authority.

public land States: the States which were created out of the original public domain: Alabama, Alaska, Arizona, Arkansas, California, Colorado, Florida, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming.

public value: an asset held by, or a service performed for, or a benefit accruing to the people at large.

public water reserves: pursuant to and under the authority of Sec. 10 of the Act of December 29, 1916, and in aid of pending legislation, the President issued the Executive Order of April 17, 1926. This reserved for public use every vacant, unappropriated, and unreserved smallest legal subdivision which contains a spring or waterhole. If the lands are unsurveyed, the reservation covers all lands within 1/4 mile of the spring or waterhole.

- Q -

quantity grant: a grant in which Congress specifies the number of acres or the general type of public lands which are to be granted. The grantee must then select from the qualifying, available public lands.

quarter section: one-fourth of a section; 160 acres.

quit-claim deed (Bureau of Land Management): the type of deed used to relinquish all claims of the United States in lands which were conveyed to the United States in connection with some transaction. A deed which does not allege ownership.

- R -

railroad claims (released): the lands to which a railroad claim might have attached, and which had not been patented or deeded to bona fide purchasers prior to September 18, 1940. These lands, which might have passed to the railroads, were relinquished by the railroads pursuant to the Transportation Act of 1940.

railroad indemnity selection: a lieu selection allowed a railroad to compensate for lands lost to the railroad within the primary limits. The selections were normally limited to within the indemnity limits.

railroad lieu selection: a lieu selection, made by an applicant other than a railroad, for lands to replace those lost or relinquished within a railroad grant.

railroad townsite reservation: a reservation of public lands along a proposed or existing railroad line in Alaska which are potentially valuable as a townsite.

receiver (GLO): the official (during the days of the General Land Office (GLO)) in the Washington Office and the District Offices, who was authorized to accept cash payments for public lands.

reclamation fund: a Federal Treasury account to which BLM deposits certain monies to be used for financing reclamation projects.

reclamation homestead entry: a homestead entry (not exceeding 160 acres) under the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 431, et seq.), which provides for entry within reclamation projects.

reclamation project: a water development and irrigation project of the Bureau of Reclamation.

reclamation withdrawals:

first form: a reclamation withdrawal of public lands that are or may be needed in connection with the construction work and maintenance of a reclamation project.

second form: a reclamation withdrawal of public lands that are susceptible of irrigation from a reclamation project.

The distinction of first and second form withdrawals have recently been eliminated and now all such withdrawals are merely "reclamation withdrawals."

Recreation and Public Purposes (R&PP) Act: The Act of June 14, 1926, as amended (43 U.S.C. 869, 869-4). Allows the disposal of public lands to any State, local, Federal, or political instrumentality, or any nonprofit organization for any recreational or public purpose, provided there is no other public land law that is applicable.

recreational lands: a tract of land usually several thousand acres in size where recreation is or is expected to be a major use.

recreation resources: natural and cultural resources which are used by individuals during leisure time and which provide a change of pace, a change of social environment, and other physical or mental satisfactions.

recreation sites: relatively small tracts of land which have value for concentrated and intensive recreation use that usually requires construction and maintenance of public facilities.

rectangular system of surveys: the cadastral system of surveys that was and is used to subdivide the public lands into townships, sections, and sectional subdivisions.

regional corporation: an Alaska Native regional corporation organized under the laws of the State of Alaska in accordance with the provisions of Section 7 of ANCSA.

registrar: an official in the General Land Office District Office.

regulation: an administrative statement, which after due notice, has the force and effect of law. Many acts passed by Congress are not sufficiently detailed to spell out totally the minute requirements of the law. Regulations which are promulgated pursuant to law are considered by the courts to have equal weight with the law they help to interpret and spell out.

rejection: the denial of an application because it is improperly filed, it conflicts with the public land laws, or it conflicts with public policy.

reliction: land that is uncovered by the gradual subsidence of water.

relinquishment; a forsaking, abandoning, renouncing, or giving over a right. When real property is involved, it must usually be in writing.

reservation: a withdrawal of a permanent nature, dedicated to a specific public purpose.

reservation lands: includes national parks and monuments, or any other reservations of the United States for the use of or administration by the National Park Service, the Fish and Wildlife Service, the Bureau of Reclamation, or any agency outside the Department of the Interior.

residential: single or multifamily dwellings or combinations thereof, and related community facilities, both seasonal and year-round.

restoration: normally associated with and contemporaneous with the revocation of withdrawals. This is the restoring of the lands to the status of unreserved public lands and it opens them to the operation of the public land laws plus the mining and mineral leasing laws.

reversionary clause or reverter: a provision in a patent for the lands to return to United States ownership for failure of development or upon the happening of a prescribed event.

revocation: the action which cancels a withdrawal. It need not necessarily "open" the lands to application/entry.

right-of-way: an easement, license, or permit; does not grant an estate of any kind, only the right of use. May also include a site.

riparian rights: the rights of the owners of lands on the banks of watercourses or small lakes, relating to the ownership of soil under the water, and to accretions and relictions.

- S -

sanitary landfill: a method of disposing of solid waste by spreading the waste in thin layers, compacting to reduce volume, and covering with soil to prevent environmental pollution.

school land deficiency: the amount of land lost by the State, for which it is entitled to school land indemnity selections.

school land indemnity selection: the selection made by a State to take the place of school lands the State could not receive.

school land patent: a patent to give evidence of title to lands to the State. Title can automatically pass without issuance of a patent.

school section: a section granted to the State for the support of the common schools.

scrip: a certificate which allows the owner to acquire a certain number of acres from vacant, unappropriated public lands.

section: 640 acres, one mile square.

segregation: any action such as a withdrawal or allowed application (exchange), which suspends the operation of the general public land laws. To separate or set apart; to remove lands from the operation of part or all the public land mineral laws.

selected lands: the public domain lands sought by the proponent in an exchange.

Sioux Half-Breed scrip: scrip which was issued to Sioux Indians of mixed blood in Minnesota under the Treaty of July 15, 1830 (7 Stat. 328), and the Act of July 17, 1854 (10 Stat. 304).

small tract: public lands (5 acres or less) which have been found to be chiefly valuable for sale as a home, cabin, camp, or business site under the Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 782a).

smallest legal subdivision: a quarter-quarter section; 40 acres.

special land use permit (SLUP): a permit granted for purposes not authorized or forbidden by law.

special pricing program: a schedule of special prices established by the Secretary of the Interior, based upon the fair market value of the property, less public benefit allowance. Used frequently on applications under the Recreation and Public Purposes Act.

State exchange: an exchange of lands between the Federal Government and a State.

status conflict: any matter with respect to the status of the land which would serve as a bar to approval of an application.

status (land): the information concerning a specific piece of land. The information would include such things as: ownership; claims or applications outstanding; known minerals (if any); withdrawals; or in general, any information that might affect how the land laws would operate with respect to the land.

stock driveway: a reservation provided for in Sec. 10 of the Act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300). Lands so withdrawn cannot thereafter be entered (but are open to mining location).

Stockraising Homestead Act: Western lands that were not suitable for cultivation but were suitable for stock grazing were patented under the Act of December 29, 1916 (39 Stat. 863; 43 U.S.C. 291).

stockraising homestead entry: a homestead not exceeding 640 acres which unlike the general homestead laws provided for the homesteading of lands which were chiefly valuable for grazing and forage crops and not for agriculture. (Stockraising Homestead Act of December 29, 1916 (39 Stat. 863, 43 U.S.C. sec. 291).) This act was repealed by implication by the Taylor Grazing Act.

subpoena duces tecum: a court process that orders the production of a document or writing.

substantially continuous use and occupancy: contemplates the customary seasonality of use and occupancy by the applicant of any land used by him for his livelihood and well-being and that of his family. Such use and occupancy must be substantial actual possession and use of the land, at least potentially exclusive of others, and not merely intermittent use.

supplemental patent: a deed or patent conveying all coal reserved under the Act of March 3, 1909 (35 Stat. 844; 30 U.S.C. 81), or the Act of June 22, 1910 (36 Stat. 583; 30 U.S.C. 83-85), such land having been (subsequent to the original patent which reserved the coal) finally classified as noncoal in character. A patent for additional rights not included in the original patent.

supplemental plat: a plat which shows a revised subdivision of one or more sections without a change in the section boundaries or to the survey record.

survey applicant: the individual or legal entity requesting the execution of a cadastral survey.

survey monument: a physical object (iron post, stone, tree, etc.), which marks the location of a point which is established by cadastral survey.

survey plat: a plat representing the lines surveyed, established, retraced or resurveyed, showing the direction and length of each line; the relation to adjoining official surveys; the boundaries, description, and area of each parcel of land; and the topography, culture, and improvements within the limits of the survey.

suspended application or entry: an application or entry upon which adverse action has been deferred for good cause shown.

sustained yield of the several products and services: the achievement and maintenance of a high-level annual or regular periodic output of the various renewable resources of land without impairment of the productivity of the land.

swamp-land grant: a grant of swamp or overflowed lands to the State. This was to encourage such lands reclamation.

- T -

Taylor Grazing Act: the Act of June 28, 1934 (48 Stat. 1269, 43 U.S.C. 315), as amended.

Taylor Grazing Act exchange: an exchange under the provisions of the Taylor Grazing Act.

threatened or endangered species: any species of animal or plant officially listed pursuant to Section 4 of the Endangered Species Act of 1973 (P.L. 93-205).

timber and stone entry: a cash entry for lands which are valuable for timber or stone and which are unfit for cultivation.

timber production: the growth and harvest of trees in forests and woodlands.

township: the major subdivision of the public lands; ideally it should be 6 miles square and contain 36 sections.

townsite: an area of public land which is segregated for disposal as an urban development.

townsites:

preemption rights: a guaranteed right of purchase at the minimum price at any time before the sale, of not exceeding two lots, to an actual qualified resident.

preemption proof: that proof required to qualify for preemption rights.

tract books: the central records which showed the status of the public domain.

tramroads: includes tramways, and wagon or truck roads to be used in connection with logging, and the manufacturing of lumber, mining, and quarrying. It also includes railroads to be used principally for the transportation, in connection with such activities.

Transportation Act of 1940: Act of September 18, 1940 (54 Stat. 954), that allowed the railroads to release any claim it may have remaining against unsatisfied grant lands in return for full commercial rates except for military or naval property and personnel transportation.

treasure or treasure trove: gold or silver in coin, plat, or bullion, and loose gem stones and other valuable property, including, but not limited to, vases, cups, ornaments, rings, jewelry, or other articles of art of historical value and interest, but whose primary value is usually considered to be monetary.

trespass: any occupancy or use of the lands or resources of the United States without authority.

trustee deed: most often, a deed to a town lot in a townsite.

- U -

unadjusted railroad grant: a railroad grant that had not been completely adjudicated prior to passage of the Transportation Act of 1940.

unperfected entry: an entry that requires further compliance with the public land laws.

unreserved public lands: those public lands not covered by a reservation or a withdrawal, except by the general orders of withdrawal.

use authorization: approval of a proposed use for land or resources on the prescribed form or document designated for such use; a document showing permission to use land or the resources thereon; a formalized grant pursuant to a request to use land or resources.

- V -

vacant public lands: public lands which are unappropriated and unreserved and not within a withdrawal. Lands that are not reserved except by the general orders of withdrawal.

valid claim: a mineral or ore body of sufficient size and quality to justify an ordinarily prudent man in the expenditure of his labor and means in an effort to develop a paying mine.

village corporation: a profit or nonprofit Alaska Native village corporation which is eligible under Section 2651.2 of Title 43 to select land and receive benefits under the act, and is organized under the laws of the State of Alaska in accordance with the provisions of Section 8 ANCSA.

visual resources: the composite of land, water, vegetation, animals, structures, and other visible features.

- W -

water right: the authority, whether by prior ownership, contract, purchase, or appropriation in accordance with State law, to use water for any beneficial use.

water supply: to be adequate, must be sufficient to irrigate successfully and to reclaim all of the irrigable land embraced in an entry.

watershed protection: maintenance of the stability of soil and soil cover and the control of the natural flow of water.

wilderness: areas in a native condition or reverted to a native condition, substantially free of manmade structures and human habitation.

wildlife refuge: a reservation for the protection of wildlife.

withdrawal in aid of legislation: a withdrawal which is made pending enactment of legislation relative to the same lands.

withdrawals: actions which restrict the use of national resource lands and segregate the lands from the operation of some or all of the public land or mineral laws.

- Z -

zoning: the legal process used by local political subdivision of competent jurisdiction to regulate land uses and setting structural and architectural designs for improvements thereon.

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